

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/4/2022

DERRICK PERKINS,

Plaintiff,

-against-

ADA PRESLEY, Warden NYCDOCS; CAPTAIN TUNSIL, Food Service Supervisor, NYCDOCS; CAPTAIN LUE, NYCDOCS; CAPTAIN KELLER, NYCDOCS; CORRECTION OFFICER LANI, NYCDOCS; DAVID VILABREA, Medical Doctor, NYCDOCS; CORRECTION OFFICER TORRES, NYCDOCS; CAPTAIN VASQUEZ, NYCDOCS,

Defendants.

1:18-cv-03590-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On June 28, 2021, Defendants moved for summary judgment on *pro se* Plaintiff Derrick Perkins' claims. [ECF No. 94]. In support of their motion, Defendants filed, *inter alia*, a Local Civil Rule 56.1 Statement. [ECF No. 94-3]. In opposition to Defendants' motion, Plaintiff filed a Rule 56.1 Counter-Statement. [ECF No. 95]. Defendants filed subsequently filed a Rule 56.1 Reply Statement. [ECF No. 96].

The Court has reviewed the filings and it appears that Plaintiff's Rule 56.1 Counter-Statement filed on ECF was scanned improperly and that portions of the Counter-Statement have been cut off. [*See* ECF No. 95]. However, it appears that the version of Plaintiff's Rule 56.1 Counter-Statement served on Defendants was complete as Defendants were able to incorporate all of Plaintiff's Rule 56.1 Counter-Statement in their Rule 56.1 Reply Statement. [*See* ECF No. 96].

As such, on or before January 12, 2022, Defendants are directed to file on ECF a copy of Plaintiff's Rule 56.1 Counter-Statement served on them.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

Date: January 4, 2022
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge